

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

ANN MARIE ROSE BAKER, M.D.,

*Plaintiff,*

v.

THE UNIVERSITY OF TEXAS HEALTH  
SCIENCE CENTER AT HOUSTON AND  
THE UNIVERSITY OF TEXAS SYSTEM  
MEDICAL FOUNDATION,

*Defendants.*

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CIVIL ACTION NO. 4:08-CV-1908

**DEFENDANTS' MOTION TO COMPEL**

TO THE HONORABLE JUDGE KENNETH M. HOYT:

COME NOW Defendants The University of Texas Health Science Center At Houston and the The University of Texas Medical Foundation and file this their Motion to Compel. In support thereof, Defendants respectfully show the Court the following:

**I.**

On March 27, 2009, the Defendants sent by certified mail, return receipt requested Defendants' First set of Interrogatories and First Requests for Production to Plaintiff's attorney. *See Exhibit A*, certified mail receipt. Despite attempts via telephone and mail by the undersigned counsel to obtain responses to these discovery requests, as of the drafting of this motion , no responses or objections whatsoever have been forthcoming *See Exhibit B*, Lively letter to Griffin dated May 18, 2009.

**II.**

On May 22, 2009, a second set of Interrogatories and Requests for Production were likewise mailed to Plaintiff's counsel by certified mail. *See Exhibit A*. Again, to date, there have

been no responses or objections at all despite phone conversations with the Plaintiff's attorney's office requesting responses to the discovery requests.

### **III**

Defendants need these responses to evaluate and defend the case filed by Plaintiff. Defendants respectfully request this court for an order requiring the Plaintiff to fully and properly respond to all these discovery requests from Defendants without objection by a date certain.

WHEREFORE, premises considered, Defendants request this court issue an order requiring Plaintiff, to fully and without objection, respond to the Defendants written discovery and that such responses to be delivered to Defendants by a date certain.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

C. ANDREW WEBER  
First Assistant Attorney General

DAVID S. MORALES  
Deputy Attorney General for Civil Litigation

ROBERT B. O'KEEFE, Chief  
General Litigation Division

/s/ Sam Lively  
**SAM LIVELY**  
Assistant Attorney General  
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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

\_\_\_\_\_ I hereby certify that a true and correct copy of the foregoing document has been sent via  
CM/ECF filing on 27<sup>th</sup> day of July, 2009 to the following individual:

Anthony P. Griffin  
A Griffin Lawyers  
1115 Moody  
Galveston, TX 77550

\_\_\_\_\_  
/s/ Sam Lively  
**SAM LIVELY**  
Assistant Attorney General

**Certificate of Conference**

The above signed counsel for Defendant has attempted to resolve this discovery dispute with  
opposing counsel, but without success, thereby necessitating this motion.

\_\_\_\_\_  
/s/ Sam Lively  
**SAM LIVELY**  
Assistant Attorney General